

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER McCLOUD,

Plaintiff,

-against-

9:08-CV-0839 (LEK/ATB)

RICHARD ROY, Deputy Commissioner,
Greene Correctional Facility; CHRISTOPHER
TURRIGLIO, Correction Officer, MR. BEHRLE,
Superintendent, Greene Correctional Facility;
PHILIP HEATH, Deputy Superintendent, Greene
Correctional Facility; MR. MIZGALA, Deputy
Superintendent, Greene Correctional Facility;
MRS. SMITH, Doctor, Greene Correctional
Facility; JANE/JOHN DOES, Mail Clerks,
Greene Correctional Facility,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on February 22, 2010, by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. Dkt. No. 55.

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Baxter's Report-Recommendation. Furthermore, after examining the

record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 55) is **APPROVED** and **ADOPTED** in its entirety; and it is further

ORDERED, that Plaintiff's Motions for partial summary judgment (Dkt. Nos. 36, 38, 43) are **DENIED**; and it is further

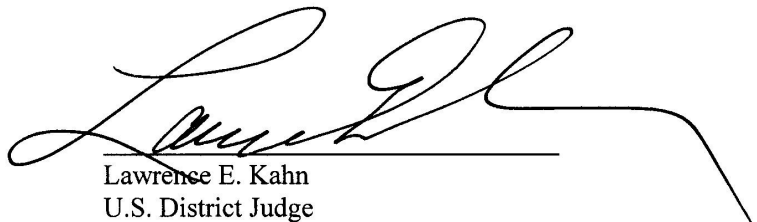
ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 49) is **GRANTED**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) in this action is **DISMISSED** in its entirety; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: March 16, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge